

FIRST REGULAR SESSION

SENATE BILL NO. 125

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0519S.01I

AN ACT

To amend chapter 30, RSMo, by adding thereto ten new sections relating to municipal government, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 30, RSMo, is amended by adding thereto ten new sections, to be known as sections 30.490, 30.491, 30.492, 30.493, 30.494, 30.495, 30.496, 30.497, 30.498, and 30.499, to read as follows:

30.490. As used in sections 30.490 to 30.499, the following terms mean:

(1) "Expenditure", a payment, distribution, loan, advance, reimbursement, deposit, or gift from a municipality to any vendor;

(2) "State entity", the general assembly; the supreme court of Missouri; the office of an elected state official; or an agency, board, commission, department, institution, instrumentality, office, or other governmental entity of this state, excluding municipalities, institutions of higher education, and any public employee retirement system;

(3) "Vendor", any person, partnership, corporation, association, organization, state entity, or other party that either:

(a) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or services to a municipality pursuant to a contract between the vendor and a municipality; or

(b) Receives reimbursement from a municipality for any expense.

30.491. The "Missouri Municipal Government Expenditure Database" is hereby created and shall be maintained by the state treasurer in conjunction with the office of administration. The database shall be available on the state treasurer website and shall include information about expenditures made in each fiscal year

6 beginning on or after June 1, 2020. The database shall be accessible by
7 members of the public without charge. State entities shall assist the
8 state treasurer in the development, establishment, operation, storage,
9 hosting, and support of the database at no cost to the state
10 treasurer. State entities shall comply with sections 30.490 to 30.499
11 using existing resources. No state entity shall charge the state
12 treasurer for any costs arising from compliance with such sections.

30.492. For each expenditure, the Missouri municipal government
2 expenditure database shall include the following information:

- 3 (1) The amount of the expenditure;
- 4 (2) The date the expenditure was paid;
- 5 (3) The vendor to which the expenditure was paid and such
6 vendor's Employer Identification Number; and
- 7 (4) The municipality that made the expenditure or requested that
8 the expenditure be made.

30.493. The Missouri municipal government expenditure database
2 shall include:

- 3 (1) A searchable database of all expenditures;
- 4 (2) The ability to filter expenditures by the following categories:
 - 5 (a) Expense amount; and
 - 6 (b) The accounting code for a specific good or service;
- 7 (3) The ability to search and filter by any of the factors listed
8 under section 30.492;
- 9 (4) The ability to aggregate data contained in the database;
- 10 (5) The ability to determine the total amount of expenditures
11 awarded to a vendor by a municipality; and
- 12 (6) The ability to download information obtained through the
13 database.

30.494. 1. During each calendar quarter, each municipality shall
2 provide information to the state treasurer for inclusion in the Missouri
3 municipal government expenditure database regarding each of the
4 municipality's expenditures paid to a vendor for the preceding
5 calendar quarter.

6 2. Any municipality that fails to timely submit the expenditure
7 information required in this section to the state treasurer shall be
8 subject to a fine of one hundred dollars per day.

9 3. The state treasurer shall report any violation of this section

10 to the department of revenue. Upon notification from the state
11 treasurer that a municipality failed to timely submit the expenditure
12 information required under this section, the department of revenue
13 shall notify the municipality by certified mail that the expenditure
14 information has not been received. Such notice shall clearly state:

15 (1) The name of the municipality;

16 (2) That the municipality shall be subject to a fine of one
17 hundred dollars per day if the municipality does not submit the
18 expenditure information to the state treasurer within fourteen days
19 from the postmarked date stamped on the certified mail envelope;

20 (3) That the fine will be enforced and collected as provided
21 under subsection 4 of this section; and

22 (4) That the fine will begin accruing on the fifteenth day from
23 the postmarked date stamped on the certified mail envelope and will
24 continue to accrue until the state treasurer receives the information.

25 In the event the expenditure information is received within the
26 fourteen-day period, no fine shall accrue or be imposed. The state
27 treasurer shall report receipt of the expenditure information to the
28 department of revenue within ten business days. Failure of the
29 municipality to submit the required expenditure information within
30 such fourteen-day period shall cause the fine to be collected as
31 provided under subsection 4 of this section.

32 4. The department of revenue may collect the fine authorized
33 under the provisions of subsection 2 of this section by offsetting any
34 sales or use tax distributions due to the municipality. The director of
35 revenue shall retain two percent for the cost of such collection. The
36 remaining revenues collected from such violations shall be distributed
37 annually to the schools of the county in the same manner that proceeds
38 for all penalties, forfeitures, and fines collected for any breach of the
39 penal laws of the state are distributed.

30.495. No later than one year after the Missouri municipal
2 government expenditure database is implemented, the state treasurer
3 shall provide, on the state treasurer website, an opportunity for public
4 comment on the utility of the database.

30.496. The Missouri municipal government expenditure database
2 shall not include any confidential information or any information that
3 is not a public record under the laws of this state. However, the state

4 treasurer shall not be liable for the disclosure of a record in the
5 Missouri municipal government expenditure database that is
6 confidential information or is not a public record under the laws of this
7 state.

30.497. 1. The state treasurer shall develop and publish on the
2 state treasurer website graphical representations of data contained in
3 the Missouri municipal government expenditure database, including
4 charts and graphs, to enhance and organize the data. The subjects and
5 frequency of such representations shall be determined by the state
6 treasurer.

2. The state treasurer shall include in the annual report of the
8 state treasurer required under section 30.370 data regarding the usage
9 of the Missouri municipal government expenditure database.

30.498. Each municipality that has a website shall display on its
2 website a prominent internet link to the Missouri municipal
3 government expenditure database.

30.499. The state treasurer may adopt rules to implement the
2 provisions of sections 30.490 to 30.498. Any rule or portion of a rule, as
3 that term is defined in section 536.010, that is created under the
4 authority delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter 536, and,
6 if applicable, section 536.028. This section and chapter 536 are
7 nonseverable, and if any of the powers vested with the general
8 assembly pursuant to chapter 536, to review, to delay the effective date,
9 or to disapprove and annul a rule are subsequently held
10 unconstitutional, then the grant of rulemaking authority and any rule
11 proposed or adopted after August 28, 2019, shall be invalid and void.

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